



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

AUG 14 2015

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article Number: 7014 1200 0000 6125 8027

Mr. Lester Randall, Chairman
Kickapoo Tribe in Kansas
1107 Goldfinch Road
Horton, Kansas 66439

Re: Public Drinking Water System Monitoring Requirements
Federal ID No.: 070000002

Notice of Violations

Dear Chairman Randall:

The Kickapoo Tribe operates a Public Water System, as defined by the Safe Drinking Water Act, Code of Federal Regulations 40 C.F.R. § 141. Every Public Water System in the United States is required to perform regular testing of its drinking water to make sure it is safe for human consumption. The U.S. Environmental Protection Agency would like to extend its thanks to all of the Tribal Council Members, Tribal employees and the Indian Health Service for taking the time to discuss the Kickapoo Tribal PWS on July 8, 2015.

This letter is to notify you of violations of the SDWA, as follows:

Violation 1: Failure to Monitor in Quarter April-June 2015 Stage 2 Disinfection Byproducts Rule 40 C.F.R. § 141.625(b) for Total Trihalomethanes:

Violation 2: Failure to Monitor in Quarter April-June 2015 Stage 2 Disinfection Byproducts Rule 40 C.F.R. § 141.625(b) for Total Haloacetic Acids:

The Kickapoo Tribal PWS is required to sample quarterly for both Total Trihalomethanes and Total Haloacetic Acids for determination of the Disinfection Byproducts present in the drinking water served. The samples taken in the quarter April through June 2015 for Total Trihalomethanes or for Total Haloacetic Acids failed to use the correct sampling kit provided by the laboratory. Samples must be taken and shipped according to specific sampling procedures in order to provide accurate results. Failure to take adequate samples and appropriately ship for analysis are violations of 40 C.F.R. § 141.625(b).

Violation 3: Failure to Provide Certification of Public Notice, Quarter January-March 2015, Reporting and Recordkeeping Rule 40 C.F.R. § 141.31(d) Reporting Requirements:

Per regulation 40 C.F.R. § 141.203(b)(2), a PWS in violation of the Stage 1 DBP Rule Running Annual Average for the TTHM and/or the HAA5 Maximum Contaminant Level must provide Public Notice to

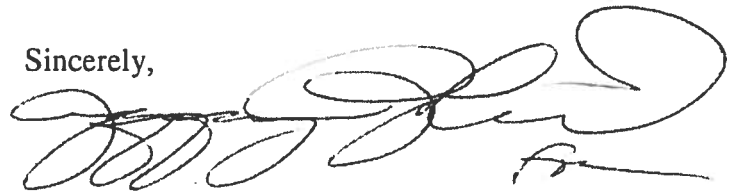
its consumers that the Kickapoo Tribal PWS has exceeded the MCL until the Stage 2 DBP Rule compliance determination can be made in October 2015. A notice of the third quarter 2014 MCL violation and the requirement to Public Notice was issued to the Tribal Chairman by the EPA on October 20, 2014. The Kickapoo Tribal PWS is required to provide Public Notice each quarter to its consumers that the DBP Running Annual Average has been exceeded until October 2015. As a result, the Tribe was required to provide Public Notice of the exceedances within 30 days, pursuant to 40 C.F.R. § 141.202(b)(2), and to provide the EPA a certification of the Public Notice posting pursuant to 40 C.F.R. § 141.31(d). The signed Certificate of Delivery is to be provided to the EPA, which includes the posting date of the Public Notice and a list of locations where it was posted, within 10 days following the end of the quarter. The EPA has not received a certification of Public Notice for the quarter January through March 2015. Failure to provide certification of the Public Notice for Quarter January-March 2015 is a violation of 40 C.F.R. § 141.31(d).

As a result of these violations, the regulations require the following actions:

- 1) Per the NOV issued October 17, 2014, the Kickapoo Tribal PWS will continue to post and provide certification of the Public Notice for the transition from Stage 1 DBP to Stage 2 DBP monitoring violation each quarter through October 2015. The Public Notice is to be posted in public places such as all Tribal offices, Health Clinic, Senior Housing, Senior Citizens Center, and Trading Post.
- 2) Per regulation 40 C.F.R. 141.31(d), the Kickapoo Tribe PWS must submit to the EPA a copy of the Public Notice and a signed Certificate of Delivery which includes the posting date of the Public Notice and a list of locations where it was posted within 10 days of posting. A blank Certificate of Delivery is enclosed for your use.
- 3) The samples for TTHM and HAA5, in the quarter July-September 2015, are required to be taken at the EPA-approved Stage 2 Disinfection Byproduct location, as outlined in the Stage 2 Sampling Plan.

If you have questions on this letter, please contact Kimberly Willis at willis.kimberly@epa.gov or by telephone at (913) 551-7069.

Sincerely,



Karen Flournoy, Division Director
Water, Wetlands and Pesticides Division

cc: Fred Thomas, Vice Chairman Kickapoo Tribe in Kansas
Eric Sheets, Kickapoo Tribe Environmental Director
Jim Conklin, Water Plant Lead Operator
Lyle Setwyn, Indian Health Service

